

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**BERKLEY NATIONAL
INSURANCE COMPANY,**
Plaintiff,

v.

**DAVID TANNER, JOSEPH
PICKLE, MARK HARRIS, and
CURTIS DECKER,**
Defendants.

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MO:23-CV-00059-DC

ORDER

Before the Court is the report and recommendation¹ from United States Magistrate Judge Ronald C. Griffin concerning Defendants David Tanner, Joseph Pickle, Mark Harris, and Curtis Decker's Motion to Transfer Venue, or in the alternative, Motion to Dismiss.² Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his Report and Recommendation on November 8, 2023.³ In his Report and Recommendation, the Magistrate Judge considered only the Motion to Dismiss. A separate order will be filed regarding the Motion to Transfer Venue. No party has objected to the Report and Recommendation as of this date.

¹ ECF No. 18.

² ECF No. 10.

³ ECF No. 18.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error.⁴

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the Report and Recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge,⁵ is **ADOPTED**. Defendants Tanner, Pickle, Harris, and Decker's Motion to Dismiss⁶ is therefore **DENIED**.

It is so **ORDERED**.

SIGNED this 5th day of December, 2023.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE

⁴ See Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

⁵ ECF No. 18.

⁶ ECF No. 10.